

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MATTHEW GREGORY BASHORE, II	§	
and ANGELA CHRISTINE BASHORE	§	
	§	
v.	§	Case No. 4:11cv93
	§	
BANK OF AMERICA, COUNTRYWIDE	§	
HOME LOANS, INC., MORTGAGE	§	
ELECTRONIC REGISTRATION	§	
SYSTEMS, INC., BARRETT DAFFIN	§	
FRAPPIER TURNER & ENGEL, LLP,	§	
NATIONAL DEFAULT EXCHANGE, LP,	§	
LITTON LOAN SERVICING,	§	
DYCK-O'NEAL, INC., TRAVELERS	§	
CASUALTY & SURETY COMPANY	§	
OF AMERICA, EXPERIAN INFORMATION	§	
SOLUTIONS, INC., COMPUTER	§	
SCIENCES CORPORATION and	§	
TRANSUNION CORPORATION	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 27, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Litton Loan Servicing, LP's Amended Motion to Dismiss (Dkt. 76), Dyck O'Neal, Inc. and Travelers Casualty & Surety Company's Motion to Dismiss Plaintiffs First Amended Complaint Under FRCP 12(b)(6) (Dkt. 77), Defendant Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. 91), Defendants Bank of America Corporation and Countrywide Home Loans, Inc.'s Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. 92), and Defendants Barrett Daffin Frappier

Turner & Engel, LLP's and National Default Exchange, LP's Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. 116) be GRANTED in part and DENIED in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

Therefore, Defendant Litton Loan Servicing, LP's Amended Motion to Dismiss (Dkt. 76), Dyck O'Neal, Inc. and Travelers Casualty & Surety Company's Motion to Dismiss Plaintiffs First Amended Complaint Under FRCP 12(b)(6) (Dkt. 77), Defendant Mortgage Electronic Registration Systems, Inc.'s Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. 91), Defendants Bank of America Corporation and Countrywide Home Loans, Inc.'s Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. 92), and Defendants Barrett Daffin Frappier Turner & Engel, LLP's and National Default Exchange, LP's Motion to Dismiss Plaintiffs' First Amended Complaint (Dkt. 116) are GRANTED in part and DENIED in part.

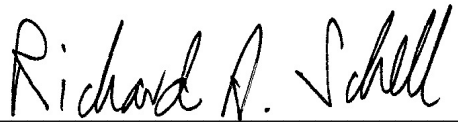
Plaintiffs' claims regarding the validity of the mortgage documents, Plaintiffs' TDCA claims against Defendants Litton and BOA/CW, all claims against Defendants BDFTE, National Default Exchange, LP. and Travelers, and Plaintiffs' fraud and DTPA claims against all Defendants are dismissed for failure to state a claim.

Plaintiffs' claims of wrongful foreclosure based on lack of proper notice of the foreclosure sale, TDCA violations against Defendant Dyck O'Neal, and Fair Credit Reporting Act violations against Defendants CW/BOA, Litton and Dyck O'Neal shall remain, and ***within ten (10) days of the date of this Order, Plaintiffs are directed to file an amended complaint accordingly.***

Additionally, *within fifteen (15) days of the date of this Order, the parties are directed to submit a proposed scheduling order to govern the remaining claims and deadlines in this case.*

IT IS SO ORDERED.

SIGNED this the 30th day of March, 2012.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE